

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

OTHA LEE BANKS,

No. 6:17-cv-02008-JR

Petitioner,

ORDER

v.

JOHN MYRICK,

Respondent.

HERNÁNDEZ, District Judge:

Magistrate Judge Jolie A. Russo issued a Findings and Recommendation on July 20, 2023, in which she recommends that this Court deny the Amended Petition for Writ of Habeas Corpus, enter a judgment dismissing this action, deny a certificate of appealability. F&R, ECF 110. The matter is now before the Court pursuant to 28 U.S.C. § 636(b)(1)(B) and Federal Rule of Civil Procedure 72(b).

Petitioner filed timely objections to the Magistrate Judge's Findings and Recommendation. Pet. Obj., ECF 112. When any party objects to any portion of the Magistrate Judge's Findings and Recommendation, the district court must make a *de novo* determination of that portion of the Magistrate Judge's report. 28 U.S.C. § 636(b)(1); *Dawson v. Marshall*, 561 F.3d 930, 932 (9th Cir. 2009); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc).


The Court has carefully considered Petitioner's objections and concludes that there is no basis to modify the Findings and Recommendation. The Court has also reviewed the pertinent portions of the record *de novo* and finds no error in the Magistrate Judge's Findings and Recommendation.

CONCLUSION

The Court ADOPTS Magistrate Judge Russo's Findings and Recommendation, ECF 110. Therefore, the court DENIES the Amended Petition for Writ of Habeas Corpus, ECF 35, and DENIES a certificate of appealability.

IT IS SO ORDERED.

DATED: September 25, 2023.


MARCO A. HERNÁNDEZ
United States District Judge